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SPACES OF JUSTICE IN ROMAN EGYPT

BY LIVIA CAPPONI

Introduction

This chapter aims to examine the literary and documentary evidence from Egypt in order to cast light on the localities around which the judicial administration of the Roman province of Egypt gravitated. After summarising the organization of justice under the Ptolemaic kings, it will look at the changes brought by the Roman conquest. First of all, it will take into consideration the two main tribunals in Roman Alexandria, that is, the *κριτήριον*, probably situated in the former royal palace, and the *δικαστήριον*, probably in the gymnasium. Thereafter, it will consider the spaces devoted to the *conventus* of the prefect of Egypt, the itinerant assize court imported in Egypt by Augustus, and the development of *praetoria*, fortified buildings that, as I suggest, either Hadrian or his successor built throughout Egypt to improve the financial administration of the province. Two final sections will focus on theatres, as spaces where trials and public executions were held as forms of mass-entertainment, and on the role of temples, in particular those of the imperial cult, as spaces of justice throughout the Roman period. I will not deal with the evidence concerning the administration of justice and Christianity, for which I direct readers to Jean-Jacques Aubert's contribution in this book.*

1. Pharaonic and Ptolemaic precedents.

The judicial apparatus of the New Kingdom (*ca.* 1570-*ca.* 1070 BCE) consisted in a local municipal council called *qenbet*, an assembly of the most esteemed inhabitants of the locality supported in its activities by a council attendant, who carried out house searches, seizures of goods and similar tasks. Texts also attest a “great *qenbet*”, a supreme court of justice whose members were recruited among the highest dignitaries, both religious and lay, and presided over by a vizier.¹ At local level,

* I wish to thank Prof. William V. Harris for inviting me to the conference, Prof. Marco Maiuro for directing my attention to Aphrodisias, Prof. Roger Bagnall and Prof. Tony Spawforth for providing useful remarks and corrections. Special thanks must go to the editor of this book, Prof. Francesco de Angelis, who offered useful comments on an earlier draft of this chapter.

All abbreviations of papyri are taken from John F. Oate et al., *Checklist of Editions of Greek, Latin, Demotic and Coptic Papyri, Ostraca and Tablets*, available online at the following address: <http://scriptorium.lib.duke.edu/papyrus/texts/clist.html> (updated in August 2008).

¹ Allam (1991) 111.

qenbet councils were often associated with temples, and formed by priests who had jurisdiction over temple personnel and over the population and land attached to the temple.² From the first millennium BCE we find in the papyri demotic terms indicating courts of justice. A major development under Psammetichus I (664-610 BCE) was that the old administrative-judicial *qenbets* were superseded by courts of justice composed of three lay judges or three priests sitting in Egyptian temples.³ In the Ptolemaic period temples in Akhmin, Dendera, Edfu, Esna, Karnak and Saqqara held court sessions in a place called the “gate of giving Maat,” or “gate where justice is rendered,” situated at the temple propylaea.⁴

King Ptolemy II Philadelphos (282-246 BCE) is believed to be the creator of Greek-style courts, as he introduced a reform of the judicial system and first had the demotic legal handbooks translated into Greek for his new library in Alexandria.⁵ After him, Ptolemy VIII Euergetes II passed a decree in 118 BCE that organised the administration of justice according to the language of the people and the documents involved.⁶ According to this decree, Egyptians operated under the Egyptian law, in the Egyptian language and with native judges called *λαοκρίται* (probably the Greek translation of the demotic term for “popular judges”)⁷ a court of three priests and an *εἰσαγωγεὺς*, who held sessions in a space called *λαοκρίσιον*⁸, while those speaking Greek were judged by Greek courts, the *δικαστήρια* and *κριτήρια*,⁹ and by courts of Greek judges (*δικασταί*), and a college of *χρηματισταί*, a court of three members (an intermediary official, an executive officer, and a bailiff) that dealt with the cases of

² *PAbbott* 7.1-2 and *PBerlin* 3047.3-4.

³ Allam (1991) 116, 126, and cf. below.

⁴ Allam (1991) 11 and n. 7; Ray (1976) 74-76 and 140-141.

⁵ Wolff (1960) 199; (1970) 56; (1966) 67 (= [1974] 103); (1979) 52-53; Préaux (1963) and Peremans (1982-83). On the so-called Demotic Legal Code of Hermopolis, cf. Donker van Heel (1990) and Lippert (2004).

⁶ The decrees of Ptolemy Euergetes II are published as *COrdPtol* 53. Cf. Préaux (1978) 598 and Pestman (1985). On the categorisation of law according to language of the contract cf. also Méléze-Modrzejewski (1966); Wolff (1966).

⁷ This term could stem from the demotic for *wy n wp*, “judgement house.” Cf. Allam (1991) 122-123 n. 77.

⁸ *PTebt* III.1 795. The building seems to be a civic building, not a temple.

⁹ *PLond* VII 2188.12 documents the *κριτήριον* in the royal hall of Alexandria in 148 BCE. *BGU* VI 1248 from Syene attests a local *κριτήριον* in 148 BCE. Some Herakleopolite documents (*BGU* VIII 1737, 1776, 1825, 2376) prove that there was a *κριτήριον* in Herakleopolis in the first century BCE. *PCol* III 54.3, 56 seems to prove, on the other hand, that in 250 BCE there was no *κριτήριον* in the Arsinoite nome, and *PTorChoach* I 11.31 from Thebes shows the *στρατηγός* Hermias writing in 119 BCE the summons of two people who are expected to appear in the *κριτήριον* within 30 days. *PFrankf* I 7.6 attests that in 218/7 BCE there was a *ἵππικὸν κριτήριον*, probably a military court for the cavalymen of the Ptolemaic army. Finally, the title of the president of the tribunal, *ὁ ἐπὶ τοῦ κριτηρίου* is attested in Ptolemaic documents, such as *PTebt* I 7 = *COrdPtol* 61 of 114 BCE.

the Greeks (although Egyptians signing a Greek contract also came under its jurisdiction after the edict of Ptolemy VIII).¹⁰ All these courts had both permanent tribunals in Alexandria and local assize courts throughout Egyptian districts, and in the autonomous Greek *poleis*, Ptolemais and Naukratis. At the head of the Ptolemaic judicial system there was the ἀρχιδικαστής καὶ πρὸς τῇ ἐπιμελείᾳ τῶν χρηματιστῶν καὶ τῶν ἄλλων κριτηρίων, that is, the “chief judge and responsible for the χρηματισταί and the other courts (*sc.* that are in Alexandria and in all Egypt),” who resided in Alexandria and reported directly to the king; he was chosen among the most intimate friends of the king, as he is described by the aulic title συγγενής, “kinsman of the king” or “of the first friends” of the king.¹¹

After Octavian turned Egypt into a Roman province in 30 BCE, the administration of justice in the country radically changed. Roman law was introduced for Roman citizens. The *praefectus Aegypti*, a Roman equestrian governor, replaced the Ptolemaic king as the highest official in the administration of the province, commanded the three Roman legions that garrisoned Egypt, and was the supreme authority in both criminal and civil law. An entirely new official, the *iuridicus* or δικαιοδότης, assisted the prefect in the administration of justice. Finally, the *conventus*, an assize court of the prefect, unprecedented in the Ptolemaic period, was brought in.¹²

Some Ptolemaic officials, however, were continued in the Roman period. The ἀρχιδικαστής continued to be recruited among the Alexandrian notables, and is attested with the same “Ptolemaic” title until the third century CE.¹³ As a land contract of 12/13 CE shows, the ἀρχιδικαστής worked in the Alexandrian καταλογεῖον, the archive where census and population documents were kept.¹⁴ He was concerned with the publication of contracts and presided over judicial complaints and disputes that originated from συγχωρήσεις, private contracts of the notarial type,

¹⁰ Fraser (1972) 113. On χρηματισταί and λαοκρίται cf. also Méléze-Modrzejewski (1970); Allam (1991) 124; and Aly (1995).

¹¹ SB XIV 11411.1-2 (= *PAshm* I 23, possibly of 84 BCE) and OGIS 136 (2nd c. BCE). Cf. also BGU III 1001.1, possibly of the Augustan period. Cf. *Berichtigungliste (BL)* I 86-87; 7.17. On this official cf. Calabi (1952); *PTheon* Appendix B (Sijpesteijn’s list of known ἀρχιδικασταί). Cf. Capponi (2005) 38-39 for the Augustan occurrences of the ἀρχιδικαστής.

¹² Cf. below, n. 50.

¹³ Cf. Calabi (1952).

¹⁴ *PKöln* V 227 B 20. On the καταλογεῖον see Taubenschlag (1955) 489 n. 63; Foti Talamanca (1974) 129-130, 132-333, 157 n. 91; Burkhalter (1990) 206.

such as loans and wet-nurse contracts, marriages and divorces.¹⁵ The *χρηματισταί* also continued to work under the supervision of the chief-judge, although they were reduced from three to two and resided in Alexandria, while, as regards the *λαοκρίται*, a document seems to mention them still in 21 CE, and thus, unless this reference is a relic of an old formulary no longer in use, it is likely that they were tolerated until the reign of Tiberius.¹⁶

2. Lawcourts of Roman Alexandria I: the *κριτήριον*

During his reign, Augustus introduced some changes in the organisation and work of the Alexandrian lawcourts, the *κριτήριον* and the *δικαστήριον*. This section will try to cast light on the changes that were brought about by the transition from Ptolemaic to Roman rule.

In the wrapping and stuffing of some animal mummies from ancient Bousiris (today's Abusir el-Melek) in the Herakleopolite nome, papyrologists found documents from Augustan Alexandria, private *συγχώρησις*-contracts, that is, notarial contracts involving forms of loan, such as marriages, divorces or contracts for services.¹⁷ They were addressed to the two subsequent presidents of the Alexandrian *κριτήριον*, a lawcourt before which the *συγχώρησις* had to be presented in order to be valid. These contracts are addressed from 24 to 15 BCE to a certain Achaïos, called in the Ptolemaic fashion supervisor of the *κριτήριον ἐν τῇ αὐλῇ*, “tribunal in the (royal) hall,” and from 15 to December 4 BCE to Protarchos, *ὁ ἐπὶ τοῦ κριτηρίου*, that is, “in charge of the *κριτήριον*.”

As I said above, a “tribunal in the royal hall” existed in Alexandria from the Ptolemaic period.¹⁸ The court was probably held in the royal palace, which is compatible with the information in two Jewish-Hellenistic works probably written in

¹⁵ *POxy* II 281 of 20-50 CE shows a woman who, after having been deserted by her husband, petitions the *ἀρχιδικαστής* asking to press her ex to return her dowry and pay an additional fine. A similar petition is *BGU* III 1001.

¹⁶ On the Roman evidence for *χρηματισταί*, cf. Calabi (1952) 419-420 with reference to *PFlor* 55, Meyer *Jur. Pap.* 48, *PBerlLeihg* 10. *PMich* V 347, a demotic alimentary contract with a Greek subscription where an oath is to be given “in the house (in) which the judges are” (l. 14) could refer to *λαοκρίται*. For Seidl (1973) 106-107 in Egypt the *λαοκρίται* were tolerated for some time in the first century CE.

¹⁷ These documents still await modern publication. See the handwritten edition by W. Schubart, and Schubart (1913). Cf. also Capponi (2005) 201.

¹⁸ *PLond VII* 2188.1.12 documents the *κριτήριον* in the royal hall in 148 BCE. In this document somebody is summoned to that court with a deadline of 30 days. The president of the court was then Nikanor *alias* Archianax.

Egypt, 3 *Maccabees* and the *Letter of Aristeas to Philocrates*, according to which the royal edicts were affixed in the *αὐλή* of the royal palace, and the 72 Jewish translators of the Pentateuch in Greek went to greet Ptolemy Philadelphos in the royal hall where the king held his hearings.¹⁹ The location of the *κριτήριον* in the royal palace is confirmed by a document locating the tribunal in the neighborhood called Beta, where the palace was located.²⁰ Also the documents addressed to the *κριτήριον* mention both the Beta and the Delta quarters, adjacent neighborhoods in the north-eastern part of the city.²¹

A survey of the dates of the Alexandrian documents in *BGU IV* suggests that the two tribunals, i.e., the one “in the royal hall” and the other without further specifications, may have been one and the same institution, whose name and president were changed around 15 BCE, possibly because the term *αὐλή* was too reminiscent of the Ptolemaic monarchy. There is also a practical reason for suggesting that the aforementioned documents came from one and the same court. As the documents were reused to form mummy *cartonnage*, one may hypothesise that the person who collected scrap papyrus from Alexandria in order to make *cartonnage* probably bought a bunch of scrolls from only one lawcourt.

Rather than a lawcourt, the Alexandrian *κριτήριον* seems to have been a notarial court confined to private law, and to notarial contracts of *συγχώρησις* between people with the status of Alexandrians or Greeks. In other words, it was both a lawcourt and an archive of debt, that collected and recorded all forms of loans and financial bonds between Greeks.

Both in the Ptolemaic and in the Augustan period, the *κριτήριον*, as well as other tribunals throughout Egypt, was supervised by the *ἀρχιδικαστής*, who, as I said above, worked in the *καταλογεῖον*. After 4 BCE the *ἀρχιδικαστής* becomes the only addressee of the documents, which might suggest that Augustus suppressed the Ptolemaic official “in charge of the *κριτήριον*”, leaving the *ἀρχιδικαστής* in the

¹⁹ Cf. 3 *Macc.* 2.27-28 on royal documents being affixed on a tower in the *αὐλή* of the royal palace. Cf. also 3 *Macc.* 5.10, 46 and *Epist. Arist.* 304 mentioning an *αὐλή* in the *βασίλεια*. On the *βασίλεια*, cf. *DEGR* vol. 1.1, 97. The royal palace was also endowed with a library in the Alexandrian Museum, complete with military, geographical, and legal documents from all over the world. On Hellenistic royal palaces, cf. Hoepfner and Brands (1996). Two large halls described by archaeologists as the *aula regia* and *basilica* were found on the Palatine, in the palace of Domitian. In the apses that figure in both halls, presumably, the emperor took his seat to give audience or receive embassies; cf. Tamm (1963) and Zanker (2002).

²⁰ *BGU IV* 1127.

²¹ Cf. *DEGR* vol. 1, 112-13.

καταλογεῖον as the recipient of documents of *συγχώρησις*.²² There are rare mentions of the *κριτήριον* after Augustus. One is a *συγχώρησις*-contract for a loan between two Roman soldiers, Lucius Vettius Diogenes and Marcus Antonius Dionysios, who go to the *κριτήριον* in 57 CE,²³ while in 55 an Alexandrian citizen, Demetria, delegates her grandson Chaeremon son of Chaeremon, also an Alexandrian, to act as her representative in a lawsuit, as she is too weak to go to the *κριτήριον*—either that of Alexandria or a local one.²⁴ *MChr* I 89 talks about a trial called *διάγνωσις* (the Greek translation of *cognitio*) involving the veteran Tiberius Tiberinus, that took place in local *κριτήρια* and mentions the “most sacred tribunal” of the prefect—but it could allude to the prefect’s *conventus* (see below). These data are, in my view, not enough to prove the existence of the Alexandrian *κριτήριον* throughout the Roman period.

Augustus took over the institution of the *καταλογεῖον*, the record-office, which he entrusted to a reformed, more powerful *ἀρχιδικαστής*. At a certain point, perhaps under Augustus, the library of the Nanaion was created for the copies of private documents which were first submitted to the *καταλογεῖον*, and, under either Augustus or Claudius, the *Πατρικά*, a new Alexandrian archive which stored the original copies of the public documents from all Egypt, was introduced.²⁵ Subsequently, probably around 127 CE, Hadrian built the Hadrianeion, which stored the original notarial contracts from throughout Egypt, and was available for consultation in case of emergency.²⁶ This evidence suggests that the Ptolemaic-style *κριτήριον* and its president were replaced, by the *καταλογεῖον* and by the chief-judge respectively, and by the Nanaion, possibly under Augustus, Claudius, or later.

At the level of the nomes, the Roman conquest brought about the flourishing of record-offices or *γραφεῖα*, where experts in law, *νομογράφοι*, helped the people to adjust to the introduction of Roman law, and to prepare documents to be submitted to the central archives.²⁷ Also the land cadastres underwent major changes under

²² Schubart (1913) 57-60 and Fraser (1972) 113 thought that Augustus eliminated all Alexandrian *κριτήρια* and made the *καταλογεῖον* the only tribunal of Alexandria.

²³ *PHamb* I 1.14.

²⁴ *POxy* II 261.

²⁵ Earliest mention of Patrika: *PVindobBosw.* I 19 (46 CE); Burkhalter (1990) 208 projects this evidence back to the Augustan period.

²⁶ Burkhalter (1990) 211-212 regards the library mentioned in the Augustan documents of the process of Satabous in *SB* I and *CPR* XV as the Nanaion, but this is not proven and the archive may have been created later (certainly before Hadrian).

²⁷ Cf. Burkhalter (1990) 211-212.

Claudius and possibly Vespasian: the *καταλοχισμοί*, that is, the Ptolemaic land cadastre, was suppressed under Claudius, when it appears to have been replaced with the *βιβλιοθήκη δημοσίων λόγων*, “library of public acts,” and was later joined by the *βιβλιοθήκη ἐγκτήσεων*, a “library of acquisitions” first documented under Vespasian.²⁸

3. Lawcourts of Roman Alexandria II: the *δικαστήριον*

The sources mention a *δικαστήριον* of Alexandria both in the Ptolemaic period, when it was presided over by the king, and in the Roman period, when the prefect was the highest judicial authority, but it is not guaranteed that this tribunal was situated in one and the same building.²⁹ In his description of Alexandria, dated to the years around 25-20 BCE, Strabo mentions the *δικαστήριον* as a building close to the gymnasium:

Κάλλιστον δὲ τὸ γυμνάσιον, μείζους ἢ σταδίαίαις ἔχον τὰς στοάς, ἐν μέσῳ δὲ τὸ δικαστήριον καὶ τὰ ἄλση. [...] ἀπὸ δὲ τῆς Νεκροπόλεως ἢ ἐπὶ τὸ μῆκος πλατεία διατείνει παρὰ τὸ γυμνάσιον μέχρι τῆς πύλης τῆς Κανωβικῆς. (Str. 17.1.10 [795])

The most beautiful [*sc.* building] is the Gymnasium, which has porticoes more than a stadium in length. And in the middle are both the court of justice and the groves. [...] The broad street that runs lengthwise extends from Necropolis past the Gymnasium to the Canobic Gate. (Transl. H.L. Jones).

The significance of this passage has been debated, as it is unclear whether the *δικαστήριον* was in the middle of the gymnasium or in the middle of the city. The accepted view was that the original text simply indicated that the gymnasium, the tribunal and the woods were all located in the centre of Alexandria, until Fabienne Burkhalter convincingly argued that the *δικαστήριον* was a grand, open-air court situated in the complex of the gymnasium.³⁰ This court may be identified with the “grand court”, documented as *μέγα ἄτριον* or *atrium magnum* from the reign of Nero

²⁸ Earliest known attestation of the *βιβλιοθήκη δημοσίων λόγων*: *POxy* XLVII 3332 and *PMich* IX 539, 540 (53 CE). Latest known attestations of the *καταλοχισμοί*: *PMich* XI 621 (37 CE), V 326 (48 CE), V 353 (48 CE). Earliest known attestation of the *βιβλιοθήκη ἐγκτήσεων*: *BGU* 184.16-20 = *MChr* 202 (72 CE). Cf. Burkhalter (1990) 209 notes 70, 74, 76, 211 n. 84.

²⁹ Maehler (2005) 125 thought that the Ptolemaic *δικαστήριον* disappeared some time after 218 BCE. On the Roman *δικαστήριον*, cf. *DGRE* vol. 1, 108-109; Str. 17.1.10 (795); Eus., *Hist.* 6.41; Athanas., *Hist. Arian.* 10 (*PG* 25, 705 B); *Vita S. Antonii* 46 (*PG* 26, 910); *PSI* X 1102 of the 3rd century CE.

³⁰ In other words, it is uncertain whether “in the middle” should be attributed to the city of Alexandria or to the gymnasium; cf. Fraser (1972) 29-30; Burkhalter (1992) 346-7 for a summary of the interpretations of this passage.

onwards, where the *βῆμα*, that is, the podium or tribunal of the prefect was, and where the approved declarations of birth of Roman citizens were affixed.³¹ The link between the *atrium magnum*, judicial proceedings and the Alexandrian gymnasium emerges in the *Columbia Apokrimata*, showing that the *rescripta* of Septimius Severus were affixed in the *στοά* of the gymnasium,³² and a letter of Hadrian granting fiscal privileges to priests of the imperial cult was posted there, too.³³ One may also hypothesise that, being the educational and recreational centre for the Greek class, the gymnasium hosted the so-called *ἐπίκρισις*, the process of scrutiny for social status, that often led to fiscal privileges for people with Greek status.³⁴

The literary sources show that, from the late Ptolemaic period, and above all from the Augustan period, the Alexandrian gymnasium had an important civic role as it hosted political meetings. A famous example is the ceremony organised by Antony and Cleopatra and described by Plutarch and Dio, where the royal family sat on a silver podium in the gymnasium; another is Octavian's first speech to the Alexandrians in 30 BCE, delivered from a *βῆμα*, a podium set up in the gymnasium.³⁵ The judicial role of the gymnasium also emerges from Philo's description of the riots that took place in 38 CE, when the Jewish king Agrippa visited Alexandria. To boycott Agrippa, the Greek faction took a lunatic named Carabas and dressed him up in fake royal attire, with a crown of thorns, paper sceptre and purple robe, then took him to the gymnasium, and pretended to greet him, submit requests to him, and be judged by him.³⁶

No secure archaeological remains can tell us where the *δικαστήριον* was, and scholars generally follow Strabo, who located it in the middle of the gymnasium, at the intersection of the two main roads of the city, at the north from the Canopic street and west to the road that connected the canal of Alexandria to Cape Lochias.³⁷

³¹ *PFouad* 21 and *SB* V 8247, two documents of 63 CE concerning the judicial proceedings of a group of veterans before the prefect Gaius Caecina Tuscus, specify that the ... was in the *μέγα ἄτριον*, and a Latin declaration of birth, *Negotia* 2.6-8 (*script. int.*) and 1-4 (*script. ext.*), *DEGR* vol. 1, 95, reports that the prefect affixed the birth declarations of the children of the Roman citizens in the *atrium magnum*.

³² *PColApokr* p. 27.

³³ *POxy* XLII 3018.

³⁴ Wallace (1938) 109. Nelson (1979) 40-46 reports that usually the *ἐπίκρισις* was handled by local magistrates in the nome capitals, on behalf of the prefect.

³⁵ Plut., *Ant.* 80.2.

³⁶ Philo, *Flacc.* 38.

³⁷ Burkhalter (1992) 370. Cf. also Tzachow (1993), Grimm (1998), and McKenzie (2007), 182, who wonders whether the *atrium magnum* was near the royal palace complex.

According to Burkhalter, the terms *δικαστήριον*, *atrium magnum* and *βῆμα* all refer to the Alexandrian gymnasium, an area no longer used for athletic exercises in the Roman period, and converted to a public building, surrounded on three sides by porticoes, on the fourth by a monumental propylaeum, and endowed with several smaller buildings.³⁸ In other words, Augustus turned the Alexandrian gymnasium into a multi-tasking complex; it now became the principal meeting place, where the prefect received petitions and administered justice, and where official documents and communications were displayed.

There are parallels for a similar evolution of the gymnasium outside Egypt. In Cyrene and Cyprus the gymnasium was converted after the Roman conquest into a Roman *ἀγορά* or *forum* with a judicial purpose. At Aphrodisias in Caria, the so-called gymnasium Diogenianum (also known as the porticus of Tiberius) was rebuilt and refurbished with a bath and an *ἄτρειον* under Nero or Vespasian, and was endowed in the Antonine period with a building called *βασιλικόν*, that became the residence of the provincial governor.³⁹ Probably, the *atrium magnum* of Alexandria looked like the *ἄτρειον* of Aphrodisias, a paved hall with a central pool or *impluvium*, which was similar, in turn, to the *atrium* in the *domus* of wealthy Romans. At Aphrodisias, and probably also at Alexandria, this space was an important link between the baths and the *palaestra* of the gymnasium, and was used for both commercial and judicial purposes.⁴⁰

Papyri of the Roman period also mention judicial hearings held in a *Δαφνών* or Laurel Grove, most probably in the complex of the gymnasium of Alexandria, which, as Strabo states in the aforementioned passage, was complete with sacred groves.⁴¹ In fact the gymnasium was surrounded by sophisticated complexes of buildings, porticoes and green areas, including open-air exedrae that were often used as lecture halls. In imperial Rome as well, the *horti* of prominent Romans imitated the combination of open spaces, porticoes and pools that characterised Greek gymnasia,

³⁸ Burkhalter (1992).

³⁹ Cf. Maiuro (2007) *passim*.

⁴⁰ Maiuro (2007) 38 and 45, where he attributes to either Nero or Vespasian the building of both the *ἄτρειον* and the *βαλανείον* of the Diogenian gymnasium of Aphrodisias. Vit. 6.3.1 defines the *atria* and in 6.5.3 describes *atria habentia circum porticus pavimenta spectantes ad palastras et ambulationes*, showing that *atria* in Roman villas were often in deliberate imitation of Greek-style gymnasia.

⁴¹ On the Laurel Grove and its probable location in Alexandria, cf. J. Rea's commentary to *POxy* LVIII 3917. The Laurel Grove is mentioned also in *POxy* XXII 2343 (287 CE), on which see Coles (1985).

and magnificent *horti* were among the favourite spaces of justice of Roman emperors. Gaius watched the execution of prominent citizens while walking in the colonnaded wrestling-ground or ξυστός that lay between a portico and the bank of the Tiber, in the *horti* of his mother Agrippina, and in the same gardens he greeted the delegations of Jews and Alexandrians, then receiving them in the *horti* of Lamia and Maecenas close to each other on the Esquiline, while the *Acts of the Pagan Martyrs* inform us that Claudius and his advisers heard a case in an imperial garden in Rome, probably either the *Horti Luculliani* or the *Horti Serviliani*.⁴²

The Neronian period was important in the renovation of the gymnasium of Alexandria. At Rome Nero distinguished himself for building the complex of the baths-gymnasium on the Campus Martius in 62/3 CE,⁴³ and both Suetonius and Dio tell us that the prefect of Egypt C. Caecina Tuscus (62-66 CE), formerly *iuridicus* under Claudius and an intimate friend of Nero, was banished for daring to use a bath that had been especially built for the emperor's intended visit to Alexandria.⁴⁴ These data suggest that Nero's planned visit to Egypt stimulated a renovation of some civic spaces in Alexandria; and that the aforementioned *atrium magnum*, mentioned in documents of the reign of Nero, was probably built on this occasion, along with the baths used by the prefect of Egypt. Probably both the *atrium* and the baths were built by Tuscus in the gymnasium of Alexandria, in honor of Nero's expected visit—possibly, as I will show later, they came to be part of the prefect's residence, the *praetorium*.

Overall, both the literary sources and the documents confirm Strabo's description of the δικαστήριον as a building in the middle of the gymnasium. As Strabo described Alexandria as he saw it in 25-20 BC, one may conclude that the δικαστήριον in the gymnasium was already the main tribunal of Augustan Alexandria. All sources indicate that the permanent tribunal of Alexandria was presided over by the prefect of Egypt, who replaced the Ptolemaic king as the top authority in matters of justice, and was invested with powers of criminal jurisdiction.

⁴² On Gaius cf. Sen., *Dial* 5.18.4, Philo, *Leg.* 181 and 351-367, and Millar (1977) 22. On Claudius cf. Musurillo (1954) no. 4, Text A 2.4-5. Cf. B 1.1 and Millar (1977) 23 nn. 46-7. On *horti*, cf. Cima and La Rocca (1998). On emperors adjudicating in *horti*, see also Bablitz (2007) 36.

⁴³ Nero also donated oil for the senate and the *equites*, and instituted Greek-style quinquennial games (*Neronia*). Cf. Suet., *Nero* 12; Tac., *Ann.* 14.47.

⁴⁴ Suet., *Nero* 35.10; Dio 62.18.1.

4. *The tribunal in the agora*

The prefect of Egypt did not exercise his powers only in his tribunal in Alexandria, but also operated in the circuit court of assize called in Latin *conventus*, in Greek *διαλογισμός καὶ δικαιοδοσία*, that is, “review of accounts and dispensation of justice.”⁴⁵ Although the available evidence on first-century Roman legal procedure is scanty, the Egyptian documents concerning summons at the *conventus* are in line with the Roman-style trial, the *cognitio extra ordinem*.⁴⁶ Every year an edict of the prefect established the dates and venues of his assize. Normally in January the prefect judged the people of the Eastern Delta in Pelusium, moved to Memphis from the end of January to mid-April, for the Thebaid and Middle Egypt, and returned to Alexandria in June-July, to meet the people from the Western Delta; thereafter the Nile flood began, and an old Egyptian taboo forbade the prefect to sail on the river.⁴⁷ This circuit, however, was not rigid and could include various other cities and stops according to need.

During the *conventus* the representatives of each nome brought to the prefect the finance records and the petitions submitted during the year, applications addressed to the prefect himself or to the nome *στρατηγός*, with the request that the copy of the application be served on the defendant with the summons to appear at the next sitting of the *conventus*. Subsequently, local people were summoned to the prefect’s court through a notification called *παραγγελία*, the equivalent of *evocatio* in Roman legal terminology.⁴⁸ The prefect sojourned in each city for about eight-ten days, during which he examined personally hundreds of cases, gave pronouncements, and prepared responses and documents, which the parties probably took back with them.

Both in the permanent court in Alexandria and in the *conventus*, the prefect was supported by his *consilium*, the group of magistrates accompanying him, such as the *ἀρχιδικαστής*, the *ἴδιος λόγος*, who investigated and judged cases involving irregular revenues, and the *iuridicus* or *δικαιοδότης*, an official brought in by Augustus, and

⁴⁵ On the *conventus* cf. Haensch (1994); (1997a) 28-9; (1997b) (bibliography on earlier studies at notes 1, 56-60); Lewis (2003).

⁴⁶ Foti Talamanca (1974) 21 noted the resemblance between the Ptolemaic summons *διὰ προγράμματος* (cf. *SB* V 7609 of 48/7 BCE and V 7610 of 51 BCE) and the *evocatio edictis* of the Roman Republic. These cases could be influenced by the contacts between Rome and Egypt in the late Ptolemaic period. On the lack of early evidence for Roman *cognitio*, cf. Capponi (2005) 30-31.

⁴⁷ Plin., *Nat* 5.57: *cum crescit, reges aut praefectos navigare eo nefas iudicatum est*. See Foti Talamanca (1974) 6-8; Geraci (1983) 175 and n. 854.

⁴⁸ Cf. Lewis (2003).

competent in civil law.⁴⁹ The prefect summoned local notables, too, such as the ἐπιστρατηγός and the στρατηγός of the district where the assize was held, and local διοικηταί, district officials who controlled local abuses, especially concerning tax collection.⁵⁰ The prefect delegated most cases to these officials, keeping only the most controversial ones for himself, as, in Philo's words, "it was impossible that the governors [...] should keep in mind the perpetual flood of new cases private and public, particularly as they not only acted as judges but received the calculations of revenues and tributes."⁵¹

The best description of a provincial governor's tribunal, albeit not directly related to Egypt, comes from Josephus, who reports that, in the 60s CE,

Φλῶρος δὲ τότε μὲν ἐν τοῖς βασιλείοις αὐλίζεται, τῇ δ' ὑστεραία βῆμα πρὸ αὐτῶν θέμενος καθέζεται, καὶ προσελθόντες οἱ τε ἀρχιερεῖς καὶ δύνάτοί τὸ τε γνωριμώτατον τῆς πόλεως παρέστησαν τῷ βήματι. (Jos., BJ 2.301)

[Gessius] Florus lodged at the palace [*sc.* the royal palace of Herod], and on the following day had a tribunal placed in front of the building and took his seat; the chief priests, the nobles, and the most eminent citizens then presented themselves before the tribunal. (Transl. By J. Thackeray, Loeb Classical Library)

Josephus clearly shows that justice was administered in public and in an open-air square, but does not specify where exactly Florus had his tribunal set up. The documents show us that soon after the Roman conquest of Egypt, gymnasia became the urban focus of Hellenization and local self-administration in the μητροπόλεις or district capitals, as Augustus closed the village gymnasia and opened some in the μητροπόλεις, so that those with Greek status, and those who had inherited the membership of the gymnasium (οἱ ἀπὸ τοῦ γυμνασίου) became a privileged class distinct from villagers.⁵² Gymnasia were often built in the agora of the nome capitals, and both spaces immediately became the stage for the prefect's *conventus*.⁵³ An early-

⁴⁹ Cf. Capponi (2005) 31-32 on the δικαιοδότης/*iuridicus*; 32-34 on the ἴδιος λόγος. On *iuridici* cf. also Kupiszewski (1953-54) and Febronia (1990). On the participation of the ἴδιος λόγος in the *conventus*, cf. Swarney (1970) 110.

⁵⁰ In PFouad 21 of 63 CE, the proceedings of a trial involving veterans asking about their rights to Roman citizenship, some officials are present ἐν συμβουλίῳ, that is, *in consilio*. Cf. Capponi (2005) 34-5 and 199 n. 68 on first-century evidence for local διοικηταί.

⁵¹ Philo, *Flacc.* 133.

⁵² Cf. Burkhalter (1992) 366 on the gymnasium in the agora of Ptolemais Euergetis. A document from the city of Xoïs informs us that in 146 CE the prefect Valerius Proclus held his tribunal in the local gymnasium; cf. P.Mich. inv. 148v, published by Youtie (1977) = SB XIV 12139 II-IV. On the role of gymnasia cf. Kah and Scholz (2004).

⁵³ Cf. Burkhalter (1992) 366 on the gymnasium in the agora of Ptolemais Euergetis. A document from the city of Xoïs informs us that in 146 CE the prefect Valerius Proclus held his tribunal in the

second-century speech of an advocate from Oxyrhynchus, against a prefect, possibly Maximus (103-107 CE), refers to the *conventus* as the ἀγοαίου κριτηρίου βήμα,⁵⁴ and in a petition to the prefect of 186 CE, a woman called Dionysia, claiming her rights against her father Chaeremon (who wanted to take her away from her husband against her will) produces as a precedent an earlier case of 128 CE that was adjudicated before a “tribunal in the agora”.⁵⁵

The documents, as well as Josephus’ passage, conjure up an image of mobility and visibility. The prefect’s tribunal or βήμα was a mobile, probably wooden structure, that could be transported and set up in the market-square at every *conventus*.⁵⁶ The earliest tribunal scene in Roman Egypt is that on a silver cup of the Augustan period from Meroe, which depicts a judge (either Augustus, or an early prefect of Egypt) wearing a *toga* and sitting on top of a βήμα, a cubic structure with steps, and a seat on top (technically, a *sella curulis*) where the magistrate sat, and with a large basket at the foot, for the scrolls brought by the petitioners.⁵⁷

The choice of the market-square as the setting for the *conventus* makes sense, as the prefect’s itinerant court served not only to adjudicate cases, but also to revise the accounts and any financial business. The tribunal continued to be set up in the agora (or in the gymnasium in the agora) up to a certain point in the Antonine period, when references to the κριτήριο ἀγοαίου cease, and the *conventus* begins to be associated with a new space of justice, the *praetorium*. The case of Dionysia, who appears to be quoting earlier minutes of an earlier judgement of the prefect “in the agora”, might possibly suggest that, by the time she was writing in 186 CE, the business of the *conventus* had been moved to a different place.

After the creation of city councils by Septimius Severus in 200 CE, the *μητροπόλεις* of Egypt acquired greater autonomy. The third-century administration

local gymnasium; cf. P.Mich. inv. 148v, published by Youtie (1977) = *SB* XIV 12139 II-IV. On the role of gymnasia cf. Kah and Scholz (2004).

⁵⁴ “The judgement seat in the public court”, cf. *POxy* III 471 = Musurillo (1954) no. vii (*Acta Maximi*).

⁵⁵ *POxy* II 237.vii.19-20.

⁵⁶ Sijpesteijn (1971) pointed out that the terms βήμα and δικαστήριο are often interchangeable terms to indicate the prefect’s tribunal in documents, whatever the locality of the court of justice or the person presiding over it, which makes it often difficult to distinguish the documents referring to the *conventus* from those concerning the permanent court in Alexandria..

⁵⁷ Gabelmann (1984) 126 nr. 40, and pl. 11.2. For figurative representations of the βήμα cf. also Schäfer (1989) *passim*. *IGRR* I 1109 = *SB* I 982, an inscription of 4 BCE, shows the former ἐπιστρατηγός of the Thebaid Quintus Corvius Flaccus, δικαιοδοτῶν (a term probably referring to his role in the *conventus*), and dedicating to the imperial family and to the prefect an altar and a throne, perhaps the *sella curulis*.

was supervised by the city councils or *βουλαί*, and these institutional changes brought about a radical change in the usage of space too—although there is no secure archaeological evidence for *βουλευτήρια* in Egypt.⁵⁸ In the third century the prevailing form of justice became the presentation of a written *ὑπόμνημα*, to which the governor added his subscription. These changes brought about the gradual demise of the *conventus*, until its complete suppression under Diocletian,⁵⁹ and, despite the apparent economic crisis, a boom in civic, Roman style buildings, such as *macella*, *stoai*, processional spaces, *gymnasia*, *baths*, and *theatres*.⁶⁰

5. The praetorium of the prefect

The term *praetorium* comes from the military world where it indicated originally the barracks of the praetorian guard in Rome, or the tent of Roman generals on military campaign. However, it could also indicate the residence of the emperor outside of Rome, and was applied to the residence of the prefect of Egypt and other provincial governors, usually in the provincial capital.⁶¹ According to Burkhalter, the *praetorium* of the prefect of Egypt was in the gymnasium of Alexandria, specifically in the *palaestra*, and incorporated the *δικαστήριον* and the *atrium magnum*.⁶² It is unclear when a *praetorium* was first built in Alexandria. In the sections above I argued that an *atrium magnum* and new baths were built by the prefect Caecina Tuscus in the gymnasium complex, for a planned visit of Nero to Alexandria—the emperor later banished Tuscus for using the baths himself. In Alexandria, as well as in other provincial capitals, such as Aphrodisias, the *praetorium* was a fusion between the private residence of the provincial governor, complete with baths, and a public

⁵⁸ Bowman (1971) 91; for evidence for the city leasing places in the *ἀγορά* of Hermopolis (*PHerm* 102 = *WChr* 296). That the meetings of the council were held in the *βουλευτήριον* seems clear from *POxy* XII 1412, XIX 2228, 32n; in 2110 the word *βουλευτήριον* is a synonym of *βουλή*; cf. also *BGU* IV 1027 (*WChr* 424). Other terms to indicate the *βουλή* and its meetings are a *συνέδριον* (*PHerm* 7), *σύνοδος* (*POxy* XII 1412), *κοινόν* (*PMert* I 43), *κοινότης τοῦ βουλευτηρίου* (*PMert* II 90).

⁵⁹ Cf. the latest known evidence for summons *PAmh* 81 (247 CE). This, probably, resulted in turn in the demise of the gymnasium: the latest attestation of a *gymnasiarch* is 370 CE in *POxy* XVII 2110. Cf. Sijpesteijn (1986). Cf. also Alston (1996) 159.

⁶⁰ At Antinoopolis, the city founded by Hadrian in 130 CE, we find two massively colonnaded streets, *τετράστυλα*, a triumphal arch, baths, a *palaestra*, a monumental gate, a theatre, a hippodrome, and a circular gymnasium which was under construction in 263 CE. *PHerm* 127v = *SP* XX 68 = *SB* X 10299, the “Repairs Papyrus” of ca. 267 CE, records details of repairs to public buildings on a porticoed street in Hermopolis, such as the *τετράστυλον* of Athena to the Moon Gate, including a Hadrianeion, a *macellum*, a stoa by the agora, a Serapeum, a Neileion, a *κωμαστήριον*, a Nymphaeum, a Tycheum. Cf. Bowman (2000).

⁶¹ Cf. Egger (1966) 37. On the *praetorium* in Egypt cf. Lukaszewicz (1986) 49-51, 177-178; Archer (1989).

⁶² Burkhalter (1992) 363.

building, used for legal and financial business.⁶³

In other provinces we often see Roman governors and visiting emperors occupying the palace of the former Hellenistic kings. In Judaea, for instance, Pilate transformed the palace built by Herod in his own *πραιτώριον*,⁶⁴ and in the famous scene of the trial of Jesus in the Gospels of John and Mark, Pilate keeps going back and forth from his *βῆμα*, situated in the open air and before the crowd, to an inside space, called the *πραιτώριον* or *λιθόστρωτον* (“paved space”) where he conducted his enquiry in private, and where the Roman soldiers flogged and mocked Jesus.⁶⁵ At Alexandria, too, Roman generals and the emperor occasionally utilised the royal palace of the Ptolemies, and parts of the palace—which covered, according to Strabo, up to one-third of the city—might have been taken over by the prefects as their *praetorium*.⁶⁶

Some documents suggest that, probably on the occasion of his visit to Egypt in 130 CE, Hadrian built a magnificent *praetorium*, probably within the gymnasium complex, which became the principal lawcourt of Alexandria. Some ostraka of 139 CE mention a tax levied for the building of a grand *πραιτώριον*,⁶⁷ and another second-century document shows Primianus, an official of the prefect, summoning the *στρατηγός* of the Herakleopolite nome, Apollonius, to the *πραιτώριον*, while a certain Julius Eros mentions an earlier hearing in the Laurel Grove, probably also in

⁶³ An interesting parallel comes from Aphrodisias in Caria, where, at some point in the Antonine period, a *βασιλικόν* (the Greek for *basilica*) was built within the complex of the gymnasium. By the middle of the 3rd century CE, but probably also before, this space had become the residence of the *ἡγῆμῶν*, the provincial governor of Caria. Cf. Maiuro (2007) 44-45.

⁶⁴ Mentions of a *πραιτώριον* may be found in *Mc.* 15:16; *Mt.* 27:27; *Io.* 18:28, 33; 19:9; *Act. Ap.* 23:35; *Epist. Phil.* 1:13. The word indicates the camp or quarters of the praetorian cohorts in *Act. Ap.* 28:16. On the palace of Herod see now the archaeological remains of an opulent palace with dining room facing a near olympic-size pool and called by excavators the Promontory Palace, in Burrell, Gleason and Netzer (1993) 50-57, 76. Herod's son Antipater had been imprisoned there according to *Jos.*, *AJ* 17.182-187 and *BJ* 1.617, 663. Cf. also the incarceration of Agrippa in *AJ* 18.204.

⁶⁵ Cf. Bond (1998) 183-191 for further discussion.

⁶⁶ At Alexandria, during the war of 48-47 BCE, Julius Caesar stayed in the royal palace (*Caes.*, *Civ.* 3.112.3); according to Lucan 10.111-126, the royal palace where Caesar was was endowed with an *aula*. Vespasian and Trajan stayed in the royal palace too during their visits to the city: cf. Philostr., *VA* 5.29, and Athanas., *Chron. Aceph.* 18 (PG 26, 1448 D). According to Strabo 17.1.8 (793), there were several royal palaces, built by many kings in succession, and covering up to one-third of the city.

⁶⁷ *OBodl* II 745-9 are receipts for a tax (*μερισμός*) that funded the *praetorium* and other buildings; 745 mentions a tax for the building of the *praetorium* and *Ἀδριανείων ἀγορῶν*?). *POxy* XXXI 2581, a 3rd-century inventory of building materials mentions a grand *praetorium* with three storeys, near a gymnasium, a double stoa, and an *Apieion*; but it is unclear whether this document refers to Alexandria, Oxyrhynchus, or Memphis. In another 3rd-century document, *POxy* LV 3813, Justus informs Apollonius that “the petition submitted by your colleague against certain fellow magistrates [...] was heard of all over the *praetorium*.”

the gymnasium complex.⁶⁸ Hadrian probably refurbished and rebuilt an earlier *praetorium* in the gymnasium.

The *praetorium* was used as a space of justice also in the local cities visited by the prefect, and is documented at Arsinoe, Hermopolis, Oxyrhynchus, Panopolis, and possibly Memphis.⁶⁹ Documents seem to suggest that local *praetoria* were used as the principal space for justice of the Roman *conventus* from the Antonine period, in the last third of the 2nd century. Documents from the archive of Petaus show that around 185 CE the *conventus* took place in the *πραιτώριον* of Ptolemais Hormou,⁷⁰ and *PSarap* I 84a (2nd century) shows a man complaining about obtaining nothing in spite of going to the *πραιτώριον* in the Hermopolite nome every day.⁷¹

It would not be surprising if Hadrian funded local *praetoria* in the district capitals, given his great building activity in the provinces, and above all in Egypt, where his visit prompted the local communities to undertake a general renovation of temples, gymnasia, markets, and other buildings.⁷² An Arsinoite document of the time of Antoninus Pius mentions a *πραιτώριον* where the prefect held judicial hearings in the trial of a certain Thaisarion,⁷³ and the day book of a local official at Elephantine mentions a number of buildings, including an account-office, a gymnasium, a *Καισάρειον*, barracks, a *πραιτώριον*, and an agora,⁷⁴ probably all close to each other. A *praetorium* close to an agora⁷⁵ is documented in Antinoopolis, the city founded by Hadrian in 130.

Hadrian (or his successor) built more secure, permanent, and sophisticated *praetoria*, in order to facilitate tax collection and military-financial control over the province. Hadrianic *praetoria* may have been similar throughout the empire, from Egypt to Hadrian's Wall, from Damascus to Crete. They were Roman-style buildings in brick, of two or three storeys, with a central courtyard surrounded by chambers and

⁶⁸ *POxy* LVIII 3917.

⁶⁹ Lukaszewicz (1986) 177-178. On the *praetorium* as the main space of justice in the provincial *conventus*, cf. also Reinmuth (1935) 79 and 100-1. On other *praetoria*, cf. *PZilliacus* 8.23 (6th c.) for Arsinoe, *PGothembourg* 7.7 (4th c.) for Coptos, and perhaps *POxy* XVII 2127.10, a municipal account probably written probably after 169/70 CE.

⁷⁰ *PPetaus* I 47.2..44, 48.2.

⁷¹ Cf. also *PWisc* II 48.

⁷² Cfr. *Hist. Aug., Hadr.* 18; on the building activity of the emperor Hadrian, that included civic/public buildings as well as temples, cf. Boatwright (2000), esp. 190-192 on Antinoopolis and 121-123 on utilitarian buildings promoted by Hadrian. Cf. also Galimberti (2007) 125 n. 17. For a reconstruction of Hadrian's journey through Egypt, cf. Birley (1997) 235-237.

⁷³ *BGU* I 288 of 138-161 CE.

⁷⁴ *WChr* 41 of 232 CE.

⁷⁵ Cf. *PSI* XIV 1444 and *PLaur* I 19.28 (3rd c.). Cf. *DEGR* vol. 1.2, 88-93; *DEGR Suppl.* vol. 1, 3.

a fortified front door, and with up-to-date facilities such as baths and a heating system, run by liturgical officials.⁷⁶ They were a luxurious fusion between private residences and public buildings, and served as a material link between law and business.

Why did fortified *praetoria* make their appearance in Egypt in the Antonine period? If the evidence can be trusted, there could be at least two possible answers. In the first place, it is possible that specific, more dangerous or militarised provinces, such as Egypt, required more secure and less vulnerable *praetoria*. Egypt had a crucial role in the grain supply of Italy, thus requiring an especially sophisticated defensive system. We know that, for this reason, Hadrian built, in Egypt and outside, new, more secure granaries, open only on the front, so as to be easily guarded, and this principle may have applied to *praetoria* as well.⁷⁷ As Hadrian was one of the few emperors (along with Augustus and Vespasian) who bothered to visit the country, his grand tour of Egypt around 130 CE may have stimulated the building of improved spaces for commerce and business. In the second place, the spread of *praetoria* may be explained as a development that went hand in hand in the province with the process of municipalization, which permitted the funding of new public spaces through the establishment of a system of liturgical offices, and which culminated in 200 CE with the institution of city councils by Septimius Severus.

During the first three centuries of Roman rule, the *praetorium* was also used as a prison. The *Acts* report that a Roman governor of Judaea detained the apostle Paul for two years in “the *πραιτώριον* of Herodes” in the royal palace at Caesarea, and a *carcer praetorianum* and a *carcer castelli Diocletiani* are documented in

⁷⁶ At Vindolanda, on Hadrian’s wall, there are remains of the commander’s residence (*praetorium*), consisting of a range of rooms laid out around a central courtyard; cf. <http://vindolanda.csad.ox.ac.uk/exhibition/setting-3-4.shtml>. *TV* II 195 and 196, for instance, are lists of household goods and clothes connected with the running of the *praetorium*. For the *praetorium* of Housesteads, cf. Crow (1995) 52-53, and fig. 27. The late-2nd.-c. *POxy* XVII 2127 mentions liturgists who supplied water for the baths in the *praetorium*. *PFlor* III 350, a 3rd-c. notice of *ἐπίκρισις* of a family of the Arsinoite nome mentions the *ἐπιμέλεια* of the *praetorium*, probably in charge of organising the heating, water supply and illumination of the building. Cf. also a 3rd-c. document from Theadelphia, *SB* XVI 12497, attesting payments of 1,000 drachmas for the *ἐπιμέλεια* of the *praetorium* and of the baths of Theadelphia and Ptolemais Hormou, and *SB* XVIII 13174 from Antinoopolis, mentioning the water and chaff supply of the *praetorium* for the sojourn of the prefect. the 4th c. *PGot* I 7 (cf. *PBeattyPanop*, pp. xxxii-xxxiii) shows the glass makers of Coptos working at the reglazing of the windows of the baths of the gymnasium, the *praetorium* and the *κωμαστήριον*.

⁷⁷ Cf. Boatwright (2000) 21 (building program of Hadrian), 123 (new structure of *horrea*).

Alexandria.⁷⁸ From the reign of Diocletian onwards, in addition, documents attest, both in Alexandria and in the district capitals, a space within the *praetorium* called *σηκρήτου* or *secretarium*, where the governor interrogated and detained prisoners.⁷⁹ *Praetoria* with *secreta* continued to be used until the 7th century, and possibly also beyond.⁸⁰ One may hypothesise that the appearance of the *secretum* in the 4th century marks the beginning of a new conception of justice, whereby the judicial proceedings are no longer visible to all in the public agora, but take place in the private residence of the governor, behind closed doors.

6. Theatres

In the Roman world, and up to modern times, executions were often seen as a form of public entertainment, attended by both the crowd and officialdom and followed by banquets and musical shows. While banquets presumably took place in the governor's residence in the *praetorium*, tortures and executions took place in the theatre, before the community.

Under Augustus new theatres were built outside the walls of the cities to host especially significant executions and gladiatorial combats. In Egypt, Augustus built an extra-urban complex at Nikopolis, complete with a Roman-style amphitheatre and a stadium.⁸¹ Josephus describes the Alexandrians assembling in an amphitheatre, in 66 CE, to discuss a proposed embassy to Nero.⁸² However, major public punishments and death sentences took place in the Dionysiac theatre of Alexandria, not far from the harbour. Philo talks about the arrest and scourging of the Jewish elders in the theatre on Caligula's birthday, the 31st of August 38 CE, "a spectacle most pitiable and incongruous."⁸³ In Philo's gloomy description, "the first spectacle was from dawn till the third or fourth hour: Jews being scourged, hung up, bound to the wheel

⁷⁸ *Act. Ap.* 23.35. On the *δεσμωτήριον* of Alexandria, in the royal palace, cf. *DEGR* vol. 1.1, 108. Victor Tonn. *Chron.* A 55.2. On prisons cf. Bagnall (1993) 46; Krause (1996) with review in *BMCR* 02/02 (1999) (Ian G. Tompkins); van Minnen (2001); Torallas Tovar (2006); Bauschatz (2007).

⁷⁹ *POxy* IX 1204 = *SelPap* II 294 (299 CE), mentions a *σηκρήτου* at Alexandria in 299 CE (cf. *POxy* IX, p. 238). According to the editors, *σηκρήτου* was synonymous with *secretarium*, a term attested in several other 4th-century documents. Cf. the evidence collected by [Aubert in this volume, ... n. 33](#).

⁸⁰ *POxy* XLIII 3150; *PRainCent* I 121 (7th century).

⁸¹ On the amphitheatre of Alexandria cf. Str. 17.1.10 (798); Jos., *BJ* 2.487-492; Rufin., *Hist.* 2.23; *Vita S. Eugeniae* 13-16 (*PL* 73, 614-15 A = *PL* 21, 1114); *DEGR* vol. 1.1, 92. In a similar fashion, king Herod built a theatre and an amphitheatre outside the walls of Jerusalem, where he established quadriennial athletic contests and shows featuring criminals and rebel slaves as gladiators.

⁸² Philo, *Flacc.* 41; Jos., *BJ* 2.487-492.

⁸³ Philo, *Flacc.* 73-81.

through the middle of the orchestra. After this splendid exhibition came dancers and mimes and flute players and all the other amusements of theatrical competitions.”⁸⁴ Jewish women “were seized like captives [...] in the middle of the theatre and taken onto the stage on no matter what calumnious charges.”⁸⁵ After the show, they were crucified, possibly in the two necropoleis outside the walls in the north eastern and north western sides of the city.⁸⁶

In third-century Egypt, theatres became more and more important as all the major public events were transferred there from the gymnasium: as they were the centres of festivals, sacrifices, gladiatorial combats and public executions,⁸⁷ they increasingly became a form of mass-entertainment. While a Polish excavation at Kom el Dikka (Alexandria) has found a 3rd-century odeion, a relatively small structure used for non theatrical purposes,⁸⁸ in this period Oxyrhynchus had a theatre that could host 11,000 people.⁸⁹ In the fourth century, Eusebius talks about Christian martyrs killed in the amphitheatre under Decius or dragged to the tribunals, and numerous other sources celebrate Christian martyrs killed in the theatre at Alexandria.⁹⁰

7. Temples

In imperial Rome, sanctuaries could host *βήματα* that served as tribunals,⁹¹ and in Egypt too, some Egyptian temples or temples of the imperial cult were used occasionally for judicial meetings. In a papyrus that has been associated with the *Acta Alexandrinorum*, Isidoros, the gymnasiarch of Alexandria, goes to a secret meeting overnight in the Serapeum with Flaccus, the prefect, a certain Aphrodisia and Dionysius, probably Alexandrian nobles. The choice of the Serapeum might be the relic of an earlier legal custom, whereby loans and contracts were solemnized by

⁸⁴ *Ibid.* 84-5.

⁸⁵ *Ibid.* 95-6. Cf. Alston (1997) 169.

⁸⁶ Philo, *Flacc.* 72.

⁸⁷ Cf. *POxy* XVII 2127.

⁸⁸ Cf. Bailey (1990) 122 for bibliography.

⁸⁹ Flinders Petrie et al. (1925) 14-16.

⁹⁰ Eusebius (*Praep.Evang.* 6.4) talks about Christians being dragged to the tribunal of Alexandria, while Athanas., *Hist. Arian.* 10 (PG 25, 705 B), reports that St. Antony at the time of the persecution attended the tribunal.

⁹¹ Cf. Gabelmann (1984) 116 (commentary to no. 34 and on Domitian's coinage of the *ludi saeculares*).

making them in that temple.⁹²

Temples of the imperial cult were frequently used for judicial and administrative business and for the *conventus*, as they could usually provide facilities for private banquets and parties.⁹³ It is likely that the *βῆμα* was placed by the propylaea of the temple, as in pre-Roman times. At Talmis-Kalabscha, the site of the great Egyptianising temple built by Augustus, a metric inscription refers to a ceremony where a signal was given by trumpets on the arrival of the prefect Mamertinus, perhaps at the *conventus*, between 133 and 137 CE,⁹⁴ while *PRyl* II 77 preserves a report of a contentious meeting of ἄρχοντες in the Σεβαστεῖον of Hermopolis in 192, in the presence of a βῆμα. Another document records the expenses of the temple of Jupiter Capitolinus at Arsinoe, on occasion of a visit of the prefect in 210/11, but we do not know whether a judicial hearing could have taken place there.⁹⁵

It is certain that temples of the imperial cult and statues of the emperors could function as courts of appeal, especially from the third century and in connection with liturgies. In 267 CE an application to the board of gymnasiarchs from a senator from Arsinoe, who had been nominated (unjustly in his view) to some liturgical office connected with the gymnasiarchy, was rejected by the ἐπιστρατηγός and was then deposited in the local Σεβαστεῖον “at the divine feet of our lord the Emperor Gallienus Augustus,” that is, the statue of the emperor.⁹⁶ Depositing a petition at the feet of the statue of the emperor was the normal procedure in cases of appeal, as is attested also in two other third-century documents, both referring to the Σεβαστεῖον, and perhaps, we should try to imagine the *provocatio ad Caesarem* as the right to deposit a request of appeal at the feet of the statue of the emperor, rather than the real chance to go and see the emperor.⁹⁷

The *Καيسάρειον* of Alexandria (one and the same thing as the Σεβαστεῖον) is a

⁹² Musurillo (1954) 94-95 no. 3 and 97. Cf. Taubenschlag (1955) 390. *PCairoZen* 59355 indicates that a contract was solemnized by making it in the Serapeum, and *POxy* II 269 is a loan made in the Serapeum of Oxyrhynchus.

⁹³ *POsI* III 157 and *PYale* I 85.

⁹⁴ *CIL* 3.77: *Sacra Mamertino sonuerunt praeside sig[na]*.

⁹⁵ *BGU* II 362 = *WChr* 96 VII 8-23. On the temple of Jupiter Capitolinus at Arsinoe, cf. Glare (1994).

⁹⁶ *POxy* XVII 2130 of 267 CE.

⁹⁷ *CPR* XX 11.3ff (250 CE) and *PAmh* 80.11-12. *POxy* XLIII 3093 is a copy of a petition of 217 CE, that was extracted from a file of petitions and affixed in public in the Σεβ(αστῇ ἀγορά)? Possibly this document might refer to the Σεβαστεῖον. The Σεβαστεῖον might be the *Καيسάρειον* mentioned in *POxy* XIV 1683 (4th century) mentioning a meeting in the *Καيسάρειον* for repaying a loan. On the *Καيسάρειον* at Oxyrhynchus cf. also *POxy* I 43v I 22. On the use and function of *Καيسάρεια*, and on the *Καيسάρειον* of Alexandria, cf. Kunderewicz (1961) and Strassi (2006).

paradigmatic example of a multi-tasking complex, a centre for economic, religious and legal business. A military diptych of 94 CE reports detailed instructions for finding a bronze tablet with some legislation concerning soldiers, affixed *in Caesareo Magno*, a sign that the temple stored laws and juridical sources.⁹⁸ The *Καيسάρειον* became a *Ἀδριάνειον*, then Licinius' gymnasium, then a *βασίλειον*, then a church, famous for the execution in 415 CE of the mathematician and philosopher Hypatia.⁹⁹ As late as the seventh century, the patriarch John Elemosinianus is described as dispensing justice at the propylaea of this church.¹⁰⁰ The continuity with the Pharaonic, Ptolemaic and Roman tradition of open-air justice in the forecourt of temples is striking.

The third century saw the decline of the great Egyptian traditional temples, except some major temples, such as the temple of Hermes-Thoth at Hermopolis, the Serapeum at Alexandria or the Temple of Isis at Philae, all probably used for judicial purposes throughout the Roman period. In the *Life of Apollonios of Tyana*, some public hearings of the emperor are in the Serapeum.¹⁰¹ Numerous papyri suggest that temples were often garrisoned by police or troops, probably in connection with public events taking place inside, or with prisoners being held there, given that temples were granted asylum rights. A temple of Hadrian at Oxyrhynchus was converted to a prison in the 4th century,¹⁰² but a similar use of temples may also have existed earlier.

After Diocletian's accession in 284 CE, and throughout the 4th century, a great number of changes took place in both the economy and politics, which broke the continuity of the legal business of the Roman period. New juridical authorities were created, and individual officials such as the *λογιστής*, or *curator civitatis*, became increasingly important and superseded the municipal council.¹⁰³ We do not know to what extent these institutional changes affected the spaces used for the administration of justice. The judicial proceedings before the *λογιστής* of Oxyrhynchus in 325 CE show that court hearings could be held in a Roman imperial temple, the Capitolium.¹⁰⁴

⁹⁸ *WChr* 463 II 7: [...] *escendentium scalas secundas sub porticum dexteriolem secus aedem Veneris marmoreae in pariete.*

⁹⁹ Epiphan., *Adv. haeres.* 2.2.69.2 (PG 42, 204 B).

¹⁰⁰ *PG* 114, 901 D; *DEGR* vol. 1.1, 172.

¹⁰¹ Philostr., *VA* 5.28, 30.

¹⁰² Cf. *POxy* XLV 3265, and XLV 3249.12n. Cf. also other evidence of guards appointed to garrison temples, in *POxy* XVII 2154; *PHarr* 65.8 + *BL* III 77.

¹⁰³ Cf. Lallemand (1964) 139-141.

¹⁰⁴ *POxy* LIV 3757. Cf. *POxy* LIV 3578.156.

Other documents show hearings being held in other spaces, such as the *praetorium*,¹⁰⁵ the Hadrianeion,¹⁰⁶ the gymnasium,¹⁰⁷ the Temple of Kore,¹⁰⁸ and the λογιστήριον, or account office.¹⁰⁹ The venue was flexible and there is evidence of changes of venue even during the same day.¹¹⁰

The papers from the town council of Oxyrhynchus merit further attention, as they may cast light on ceremonial patterns of the judicial proceedings. A document shows that, on the same day in 325, the councillors of Oxyrhynchus went first to the Capitolium, presumably to open their session in a sacred place, to take oaths and to perform sacrifices, then to the account-office, then to the gymnasium, for the judicial session itself, then to the Temple of Hadrian, for the opening of a will, and finally back to the Capitolium, for taking oaths or performing sacrifices in order to close properly the proceedings.

This extreme flexibility may well be a 4th-century development, although it has been shown above (p. ...) that, in earlier times as well, both Roman emperors and Egyptian prefects could perform different legal and financial tasks in different buildings. The important point is that all these temples, account-offices and gymnasia were close to each other—and it is overwhelmingly likely that they were all within the complex of the gymnasium-ἀγορά, the center for both financial and legal business. Finally, in the middle of the fourth century, the office of the *defensor civitatis* was created to champion the citizens against the *potentiores*.¹¹¹ Spaces of justice might have changed more radically in this period.

¹⁰⁵ POxy IV 717.

¹⁰⁶ POxy LIV 3758.134, 3764.14, 3767.1, PHarr 160.2 as re-edited in *Zeitschrift für Papyrologie und Epigraphik* 37 (1980) 237.

¹⁰⁷ POxy LIV 3758.181.

¹⁰⁸ POxy LIV 3759 (325 CE), where we find the earliest papyrological reference to Sunday as the Lord's Day and to the cessation of legal business on Sunday, cf. also 3742.

¹⁰⁹ POxy LV 3758.98. POxy XII 1413 preserves the proceedings of the *boule* of Oxyrhynchus in 270-275 CE. The meeting place could be the gymnasium as they discuss about the oil-supply of the gymnasium with the gymnasiarch. On reports of proceedings, cf. Coles (1966). Cf. *Tyche* 5 (1990) 41-3; 6 (1991) 88-90 for an additional list of documents recording proceedings.

¹¹⁰ Cf. ll. 78 and 98 (Capitolium to λογιστήριον) in POxy LIV 3758 (proceedings before the λογιστής/curator, 325 CE). In the introduction (p. 148) ll. 134-155 record a straightforward *apertura testamenti*. The session was held in the Hadrianeion. This was a routine location for proceedings before the λογιστής and need not necessarily be connected with the custom that wills should be opened in an imperial temple, e.g. PMert II 75 introd. The session in ll. 156-180 in the Capitolium. The session in 181-213 is held in the gymnasium. The chronological order is different: Pamenoth 17 at the Capitolium (ll. 78-97) then at the λογιστήριον (ll. 98-131); 19 Phamenoth at the gymnasium (ll. 181-213); Phamenoth 21 in the Temple of Hadrian (ll. 134-155); Phamenoth 22 at the Capitolium (ll. 156-180).

¹¹¹ Taubenschlag (1955) 488-493.

8. Summary

This chapter has attempted to survey the papyrological documentation in order to cast light on the spaces used for the administration of justice in Egypt in the first three centuries of Roman rule. The documents confirm Strabo's statement that the *δικαστήριον*, often indicated in Roman documents as the *βῆμα*, the tribunal of the prefect, was situated in the gymnasium complex, in central Alexandria. In the complex of the gymnasium of Alexandria the prefect Caecina Tuscus built baths in honor of an expected visit of his friend the emperor Nero (which never took place) and was later banished for daring to take a bath himself. To this occasion one should probably attribute the building of an *atrium magnum*, a Roman-style hall, documented in papyri of the reign of Nero, as a part of the *praetorium*, the residence of the prefect and of the emperor during his visits. A grand new *praetorium* seems to have been built in Alexandria by Hadrian.

Roman rule improved the centralization of the recording and keeping of public and private acts in Alexandria, under the supervision of the prefect and the chief-judge, the *ἀρχιδικαστής*. At Alexandria, the Ptolemaic-style *κριτήριον*, a notarial tribunal whose main function was to store notarial documents concerning loans and finance, was gradually replaced, from the Augustan period on, by a new system of archives. The record office of the *καταλογεῖον* was continued, as well as its supervisor the chief-judge. The Patrika stored public acts. Under Hadrian, the Hadrianeion and the Nanaion (the latter possibly existing from the Julio-Claudian period) stored private acts and their copies.

In the nomes of Egypt, the prefect administered justice in his *conventus*, the itinerant assize of the provincial governor, a Roman institution documented in other provinces and imported into Egypt by Augustus. In the *conventus* the prefect adjudicated cases and received petition from his *βῆμα* in the market-squares (often used as, or converted to, gymnasia) of the district capitals. By the reign of Hadrian, perhaps on the occasion of the visit of Hadrian around 130 CE, permanent *praetoria* in brick were built throughout Egypt, and by the end of the 2nd century CE the *praetorium* had become the principal location for the *conventus* of the prefect. The creation of praetoria was facilitated by the establishment of the liturgical system, where liturgical officials took care of the costs for the maintenance of local *praetoria*. This was a significant step, as the administration of justice was moved from the open-air, public market-square to the residence of the governor, thus becoming a less

visible matter. This change meant an increase in the personal power and influence of the provincial governor, who could exclude part of, or all the audience from the trials by closing the gates of his *praetorium*. In addition, in third-century documents we find the mention of an area of the *praetorium* called *secretum* or *secretarium*, that was used by the governor to detain prisoners or interrogate them in private, a further step towards the concentration of public functions in the person of the prefect.

In the Augustan period, Roman-style theatres and amphitheatres were erected in and near Alexandria, to carry out executions, gladiatorial combats and other shows before the crowd. At the time of the Jewish riots in Alexandria in 38 CE, the theatre was the centre of the first persecutions of Jews, and in the third century, the building boom in theatres went hand in hand with the increasing popularity of executions as the principal form of mass entertainment. This ‘spectacularisation’ of punishments runs parallel to an increasingly complicated, and crowded, bureaucratic system, with the introduction in 200 CE of town councils, the new form of administration of the Egyptian *municipia*. Fourth-century documents from Oxyrhynchus show the local *βουλευταί* commuting frantically from a temple to an account office, to another temple, changing spaces of justice up to five times on the same day, a slightly disconcerting procedure, that may well have existed earlier too, when the prefects of Egypt received petitioners first in the sacred Laurel Grove, and then in the *praetorium*, both in or near the gymnasium.

Last, but not least, traditional Egyptian temples were used as spaces of justice, banks and markets from Ptolemaic, and even Pharaonic times, and some of them managed to survive the gradual demise of the Egyptian temples over the first three centuries of Roman rule. Some of the most important temples were reused as temples of the imperial cult, others were changed to gymnasia, *basilicae*, and subsequently, to Christian churches, but, nonetheless, continued to play a key role in the administration of the legal, financial and religious life of the community.